

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

M.D., by her next friend, Sarah R. Stukenberg, *et al.*,

*Plaintiffs,*

vs.

**GREG ABBOTT**, in his official  
capacity as Governor of the State  
of Texas, *et al.*,

*Defendants.*

§ § § § § § § § § § § §

CIVIL ACTION NO. 2:11-CV-00084

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO FILE RESPONSE TO CLASS PLAINTIFFS' SECOND  
APPLICATION FOR ATTORNEY FEES AND EXPENSES**

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Defendants Greg Abbott, in his official capacity as Governor of the State of Texas, Cecile Erwin Young, in her official capacity as Executive Commissioner of the Texas Health and Human Services Commission, and Jaime Masters, in her official capacity as Commissioner of the Texas Department of Family and Protective Services (collectively, “Defendants”), move for a thirty-day extension of the deadline to file their response to *Class Plaintiffs’ Second Application for Attorney Fees and Expenses* ( ECF No. 1229) (“*Plaintiffs’ Second Fee Application*”).

Defendants' response to *Plaintiffs Second Fee Application* is presently due on April 27, 2021. S.D. Tex. Loc. R. 7.3, 7.4. If this motion is granted, Defendants will be allowed until and including May 27, 2022 to file their

response. Plaintiffs do not oppose this motion, and there is good cause for granting the extension.

Good cause exists for granting this motion to allow Defendants a sufficient opportunity to review the fees and expenses for which Plaintiffs seek payment from Defendants and from Texas taxpayer dollars. *Plaintiffs' Second Fee Application* seeks the recovery of nine months' worth of fees and expenses (from September 1, 2019 through May 31, 2020), on behalf of each of the three firms representing the Plaintiff class. *Pls.' 2nd Fee App.* at 5. Each of those three firms has submitted line-item time and expense reports, travel expense receipts, and invoices in support of the Application, which are detailed and voluminous. *Id.* at Exs. A–C. Defendants must review those reports in their entirety to determine the fees and expenses to which they can agree, and those to which they will object. The extension sought in this motion is warranted to allow Defendants to conduct that inquiry in a meaningful way. Defendants' request is not being sought for the purpose of delaying the proceedings in this matter, nor will Defendants' request for a thirty-day enlargement of time to respond prejudice the Plaintiff Class in their counsel's request for reimbursement of attorney fees and expenses.

Further, Plaintiffs do not oppose the extension being requested in this motion.

For each of these reasons, Defendants respectfully request up to and including May 27, 2022 to file their response to *Plaintiffs' Second Fee Application*. A proposed form of order granting this motion is attached.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas  
BRENT WEBSTER  
First Assistant Attorney General  
GRANT DORFMAN  
Deputy First Assistant Attorney General  
SHAWN E. COWLES  
Deputy Attorney General for Civil Litigation  
PATRICK K. SWEETEN  
Deputy Attorney General for Special Litigation  
RAYMOND C. WINTER  
Chief—Civil Medicaid Fraud Division  
ELIZABETH J. BROWN FORE  
Chief—Administrative Law Division

/s/ Eric A. Hudson

ERIC A. HUDSON  
Senior Special Counsel  
Texas State Bar No. 24059977  
S.D. Texas Bar No. 1000759

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548 (MC-009)  
Austin, TX 78711-2548  
Tel.: (512) 936-2266  
Fax: (512) 457-4410  
eric.hudson@oag.texas.gov

***Counsel for Defendant Greg Abbott,  
in his official capacity as Governor of  
the State of Texas***

/s/ Reynolds Brissenden

REYNOLDS BRISSENDEN

Director of Litigation, Attorney-in-Charge

Civil Medicaid Fraud Division

Texas State Bar No. 24056969

S.D. Texas Bar No. 874997

OFFICE OF THE ATTORNEY GENERAL

P.O. Box 12548 (MC-009)

Austin, TX 78711-2548

Tel.: (512) 936-2266

Fax: (512) 457-4410

reynolds.brissenden@oag.texas.gov

***Counsel for Defendant Cecile Erwin  
Young, in her official capacity as  
Executive Commissioner of the Texas  
Health and Human Services  
Commission***

/s/ Karl E. Neudorfer

KARL E. NEUDORFER

Texas State Bar No. 24053388

S.D. Texas Bar No.

CLAYTON R. WATKINS

State Bar No. 24103982

Assistant Attorneys General

Administrative Law Division

OFFICE OF THE ATTORNEY GENERAL

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

Tel.: (512) 463-1410

Fax: (512) 320-0167

karl.neudorfer@oag.texas.gov

clayton.watkins@oag.texas.gov

***Counsel for Defendant Jaime Masters,  
in her official capacity as Commissioner  
of the Texas Department of Family and  
Protective Services***

**CERTIFICATE OF CONFERENCE**

I certify that on April 20 and 21, 2022, counsel for Defendants conferred with counsel for Plaintiffs and that counsel for Plaintiffs, Marcia Lowry, indicated Plaintiffs are not opposed to Defendants' Motion for Extension of Time to File Response to Class Plaintiffs' Second Application for Attorney Fees and Expenses.

/s/ Karl E. Neudorfer  
KARL E. NEUDORFER

**CERTIFICATE OF SERVICE**

I certify that on April 22, 2022, a true and correct copy of the foregoing document has been served via electronic filing on all parties of record.

/s/ Karl E. Neudorfer  
KARL E. NEUDORFER